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RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3700**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: R.J. Crowley Attorney Docket No.: BSME125003
Application No.: 08/922,263 Art Unit: 3735 / Confirmation No: 1365
Filed: September 2, 1997 Examiner: D.M. Shay
Title: INTERVENTIONAL PHOTONIC ENERGY EMITTER SYSTEM

RESPONSE AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

Seattle, Washington 98101

March 2, 2006

TO THE COMMISSIONER FOR PATENTS:

This paper is filed in response to the Office Action mailed on November 2, 2005. Currently, Claims 1, 5, 7, 15, 17, 20-30, 32-44, 47, 48, 52, 53, and 63-65 are pending in the application. Of these, Claims 20-30, 32-44, 47, 48, 52, 53, 64, and 65 are withdrawn from consideration. Claims 1, 5, 7, 15, 17, and 63 have been examined and stand rejected. Reconsideration of Claims 1, 5, 7, 15, 17, and 63-65 is respectfully requested.

The Rejection of Claims 1, 5, 7, and 15 Under 35 U.S.C. § 103(a)

Claims 1, 5, 7, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sinofsky (U.S. Patent No. 4,852,567) in view of Deak (U.S. Patent No. 5,982,801), and further in view of Tucker (U.S. Patent No. 5,895,412). In a telephone conference with the Examiner on February 2, 2006, applicant understands that the rejection is based on the combination of the Sinofsky patent, the Deak patent, and the Tucker patent. Applicant respectfully traverses the rejection.

A *prima facie* rejection requires a suggestion or motivation either in the references or in the knowledge generally available to modify a reference or to combine references, there must be

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100